

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES

vs.

Criminal No. 04-30032-MAP

FRANK KEOUGH, et al.,  
Defendants

**DEFENDANT'S MOTION FOR DISCOVERY  
IN CONFORMITY WITH DISCOVERY REQUEST LETTER**

Now comes the Defendant, Francis Keough, in the above-captioned matter, and moves this Honorable Court, pursuant to Rules 16 of the Federal Rules of Criminal Procedure, for an order requiring the Government to produce discovery in conformity with Defendant's Discovery Letter (a copy of which is attached hereto as Exhibit "A").

As grounds therefor, the Defendant states that:

1. Pursuant to the Government's proffer of its automatic discovery obligations under Local Rule 116 and its response to Defendant's Discovery Letter, the Government has merely provided Defendant's counsel with access to a room full of boxes containing thousands of documents with specification or identification.
2. Due to the nature of this case (A 64 page Indictment containing no less than Fifty (50) Counts, and thousands of pages of documents in the possession, custody and control of the Government), and in order for the Defendant to have an adequate opportunity to prepare his defense, the Defendant has made specific requests for discovery as to each Count and allegation set forth in the Second Superseding Indictment.
3. As a result of the Government's refusal to produce discovery in conformity with Defendant's Discovery, the Defendant's ability to prepare his defense has been severely

frustrated and prejudiced.

In further support thereof, the Defendant relies on his Memorandum of Law in Support of Defendant's Motion for Discovery in Conformity with Discovery Request Letter, filed herewith.

WHEREFORE, by all of the above, Defendant's Motion for Disclosure of Grand Jury Minutes on Grounds of Particularized Need (Perjury Charge), must be allowed.

THE DEFENDANT,  
FRANK KEOUGH

By: /s/ Daniel D. Kelly  
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**CERTIFICATE OF SERVICE**

I, Dan Kelly, Esq., hereby certify that I caused the foregoing document to be served upon the United States Attorney's Office at 1500 Main Street, Springfield, MA, by electronic service this 27<sup>th</sup> day of September, 2006.

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